United States Court of Appeals for the Second Circuit



APPELLEE'S BRIEF

DRIGINAL 75-7290

United States Court of Appeals

ACLI INTERNATIONAL, INC.,

against

Plaintiff-Appellant,

SS "CAMPECHE", her engines, boilers, etc., TRANSPORTACION MARITIMA MEXICANA, S. A., dba MEXICAN LINE,

Defendants-Appellees.

TRANSPORTACION MARITIMA MEXICANA, S. A.,

Defendant and Third-Party Plaintiff-Appellee and Cross-Appellant,

against

PITTSTON STEVEDORING CORPORATION.

Third-Party Defendant-Cross-Appellee

73 - 297 HRT

ACLI INTERNATIONAL, INC.,

against

Plaintiff-Appellant.

TRANSPORT (CION MARITIMA MEXICANA, S. A., dba MEXICAN LINE and SMITH AND JOHNSON (SHIPPING) INC.,

Defendants-Appellees,

TRANSPORTACION MARITIMA MEXICANA, S. A.,

Defendant and Third-Party Plaintiff-Appellee and Cross-Appellant,

against

PITTSTON STEVEDORING CORPORATION,

Third-Party Defendant-Gross-Appellee

73 Civ. 5341 HRT

BRIEF FOR THIRD-PARTY DEFENDANT-CROSS-APPELLEE PITTSTON STEVEDORING CORPORATION

BIGHAM ENGLAR JONES & HOUSTON Attorneys for Third-Party Defendant-Cross-Appellee, 99 John Street New York, N.Y. 10038

JAMES S. McMahon Nicholas Camera Of Counsel

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BRIEF FOR THIRD-PARTY DEFENDANT-CROSS-APPELLEE PITTSTON STEVEDORING CORPORATION

Issues Presented

Whether there is evidence in the record to support the findings made by Judge Tyler.

The Facts

The brief of defendant and third-party plaintiff Mexican Line amply sets forth the facts of the case, and they are adopted herewith as Pittston's statement of facts.

POINT I

There was substantial credible evidence to support the essential findings of fact made by the District Court.

Third-party defendant, Pittston, adopts the arguments and authorities cited in Point I of the brief submitted by defendant and third-party plaintiff Mexican Line. The authorities and record citations set forth in the mentioned brief clearly indicate that there was ample and complete support in the record for the essential findings of Judge Tyler.

POINT II

The District Court made no finding of fault on the part of Pittston.

A review of the opinion of Judge Tyler (50) discloses that he made no specific finding of fault on the part of Pittston Stevedoring Corp. Accordingly, since the trier of the facts had found Pittston blameless, there would be no basis for this Court to hold otherwise unless Judge Tyler's finding on this issue is clearly erroneous. It is respectfully submitted that the record is devoid of any evidence which would indicate that Judge Tyler was clearly in error in this regard.

CONCLUSION

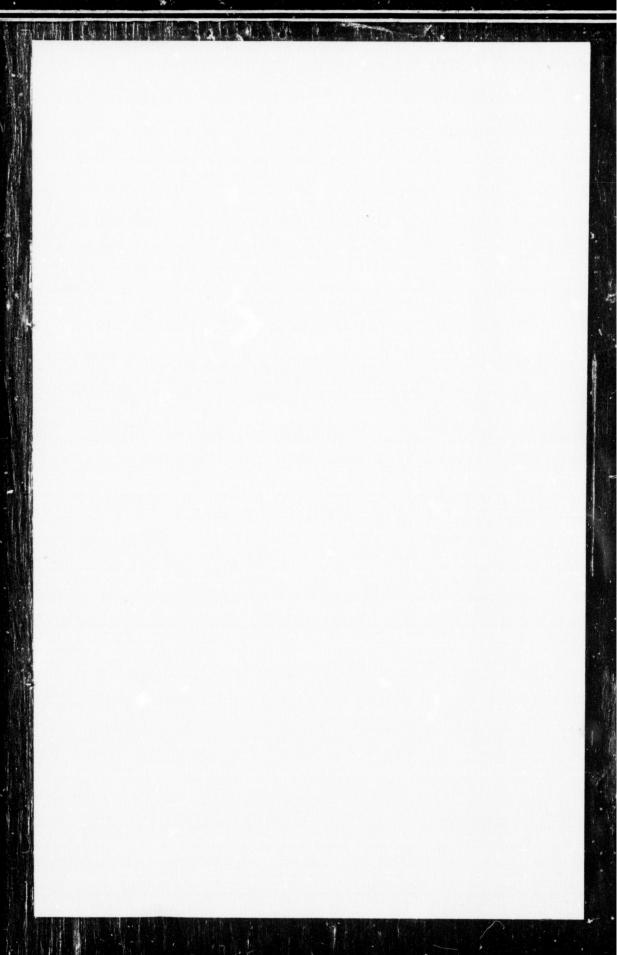
The judgment of the District Court should be, in all respects, affirmed.

Respectfully submitted,

BIGHAM ENGLAR JONES & HOUSTON Attorneys for Third-Party Defendant-Cross-Appellee

James S. McMahon Nicholas Camera Of Counsel





of the within BMEF is hereby admitted this 3nd day of October 1975

Attorney stor APPELLES AND CRUSS APPELLANT

ATTORNAYI FUN PLAINTIFF- APPELLANT

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